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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/941,485 | 08/28/2001 | Mikko Veikkolainen | AWEK 2301 | 6235 |

7812 7590 04/09/2003

SMITH-HILL AND BEDELL
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EXAMINER

SHAW, CLIFFORD C

| | |
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| ART UNIT | PAPER NUMBER |
|----------|--------------|

1725

DATE MAILED: 04/09/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/941,485

Applicant(s)

VEIKKOLAINEN ET AL.

Examiner

Clifford C Shaw

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Detailed Action

1.) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2.) Claims 1-4, 7-17, 20, 21, 23, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilliland (5,999,642, cited by applicant) taken with Gilliland et al (5,798,627). The patent to Gilliland (5,999,642, cited by applicant) discloses a method and arrangement for forming a welding structure whereby an extended image of the arrangement of constituent pieces is recorded, plural weld points are determined from this image, and welding is carried out (see figures 1, 2, and 3 and the discussion at cols. 7-10). The claims differ from Gilliland (5,999,642, cited by applicant) in calling for controlling the welding apparatus on the basis of determined positions of the weld points. This difference does not distinguish over the prior art. At the time applicant's invention was made, it would have been obvious to have used the welding arrangement of Gilliland et al in the system of Gilliland (5,999,642, cited by applicant), based on the discussion at col. 9, lines 38-42 in Gilliland (5,999,642, cited by applicant). At his column 29, line 45 through column 31, line 50, Gilliland et al discusses control of the weld apparatus, especially the torch angle, based on the welding location. It would have been obvious to have carried this teaching of Gilliland et al over to Gilliland (5,999,642, cited by applicant) when the system of Gilliland et al was incorporated into Gilliland (5,999,642, cited by applicant), the

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motivation being to secure the advantages of the teaching for the arrangement of Gilliland (5,999,642, cited by applicant), there by satisfying the claims.

3.) Claims 5, 6, 18, 19, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilliland (5,999,642, cited by applicant) taken with Gilliland et al as applied to claims 1-4, 7-17, 20, and 21 above, and further in view of Omae et al (4,144,992). The only aspect of the claims to which the rejection above does not apply are the provisions for displaying weld point positions to a user and for overriding automatic control of the welding. These differences do not patentably distinguish over the prior art. It would have been obvious to have provided the system of Gilliland (5,999,642, cited by applicant) with an arrangement for displaying the welding area, the motivation being the teachings of Omae et al that it is advantageous to have such a display in an automated weld system (see figure 1, element 1, figure 5, and col. 9, lines 14-20 in Omae et al). It would have been obvious to have provided the system of Gilliland (5,999,642, cited by applicant) with a manual override as claimed, the motivation being the teachings of Omae et al that such is advantageous (see figure 7, element 406 and the discussion at col. 8, line 62 through col. 9, line 13 in Omae et al).

4.) Applicant's remarks in his amendment filed on 2/12/2003 have been given careful consideration, but are not persuasive of patentability. Applicant's claim language calling for an "extended" image does not distinguish over the Gilliland '642 patent. This patent produces a "picture" of the workpiece (see the discussion in column 2 of '642) that is "extended" in the sense that a pictorial representation of a large area of the workpiece is made. In regard to claim

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24 which calls of a "photographically" recorded extended image, the term "photographically" is broad enough to read on any electronic imaging, such as that of the '642 patent. For applicant's information, a dictionary definition of the word photography is attached. The breadth of the word is suggested by its use in common terminology such as "digital photography" which uses entirely electronic imaging means.

5.) **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

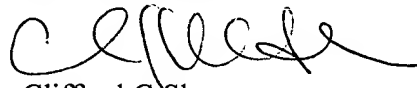
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Clifford C Shaw at telephone number 703-308-1712. The examiner can normally be reached on Monday through Friday of the first week of the pay period and on Tuesday through Friday of the second week of the pay period.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Thomas G. Dunn, can be reached at 703-308-3318. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



Clifford C Shaw
Primary Examiner
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April 7, 2003